

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**BITUMINOUS CASUALTY  
CORPORATION,**

**Plaintiff,**

**VS.**

**AARON FERER AND SONS COMPANY  
and UNION PACIFIC RAILROAD  
COMPANY,**

**Defendants.**

**4:06CV3128**

## ORDER

This matter is before the court on the motion of defendant, Aaron Ferer and Sons Company, for leave to file an Amended Answer and Counterclaim [62]. Considering plaintiff's response [74], and upon review of the proposed pleading, I find that the motion should be granted.

Pursuant to Fed. R. Civ. P. 15 and NECivR 15.1,

**IT IS ORDERED** that defendant's Motion [62] is granted. Defendant shall file and serve the amended pleading forthwith. All responses shall be filed within the time allowed by Fed. R. Civ. P. 15(a)

**DATED January 11, 2007.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**